

By: Harris

S.B. No. 1804

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the resolution of certain medical disputes in  
3 connection with workers' compensation benefits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 408.143(b), Labor Code, is amended to  
6 read as follows:

7 (b) The statement required under this section must be filed  
8 [~~quarterly~~] on a form and in the manner provided by the commission.  
9 The commission may modify the filing period as appropriate to an  
10 individual case. Unless modified by the commission, the statement  
11 shall be filed quarterly until the first anniversary of the date of  
12 the commission's initial determination of supplemental benefits  
13 and, after that date, the statement shall be filed every six months.

14 SECTION 2. Section 408.151(b), Labor Code, is amended to  
15 read as follows:

16 (b) If a dispute exists as to whether the employee's medical  
17 condition has improved sufficiently to allow the employee to return  
18 to work, the commission shall direct the employee to be examined by  
19 a designated doctor chosen by the commission. In addition to  
20 determining whether the employee's medical condition has improved,  
21 the examination must include a determination of the type of  
22 employment the employee is physically or medically able to perform.  
23 The designated doctor shall report to the commission. The report of  
24 the designated doctor has presumptive weight, and the commission

1 shall base its determination of whether the employee's medical  
2 condition has improved sufficiently to allow the employee to return  
3 to work on that report unless the great weight of the other medical  
4 evidence is to the contrary.

5 SECTION 3. Subchapter C, Chapter 413, Labor Code, is  
6 amended by adding Section 413.032 to read as follows:

7 Sec. 413.032. ALTERNATIVE MEDICAL DISPUTE RESOLUTION  
8 PROCESS. (a) The commission shall evaluate the effectiveness and  
9 costs of the medical dispute resolution process under Section  
10 413.031 and study proposals for the establishment of an alternative  
11 process. In performing the study and proposing an alternative  
12 medical dispute resolution process, the commission shall emphasize  
13 the establishment of a process that is less expensive than the  
14 current system.

15 (b) In performing the commission's duties under this  
16 section, the commission shall solicit the participation of persons  
17 who represent the interests of employees, employers, health care  
18 providers, insurance carriers, governmental agencies, and others  
19 who may be interested in the results of the study.

20 (c) The commission shall report the results of the study  
21 under this section, including the commission's proposal for an  
22 alternative medical dispute resolution process, to the lieutenant  
23 governor and speaker of the house of representatives not later than  
24 December 1, 2004.

25 (d) This section expires January 1, 2006.

26 SECTION 4. Section 413.014(e), Labor Code, is amended to  
27 read as follows:

1           (e) The commission may not prohibit an insurance carrier and  
2 a health care provider from voluntarily discussing health care  
3 treatment and treatment plans and pharmaceutical services, either  
4 prospectively or concurrently, and may not prohibit an insurance  
5 carrier from certifying or agreeing to pay for health care  
6 consistent with those agreements. The insurance carrier is liable  
7 for health care treatment and treatment plans and pharmaceutical  
8 services that are voluntarily preauthorized and may not dispute the  
9 certified or agreed upon preauthorized health care treatment and  
10 treatment plans and pharmaceutical services at a later date.

11           SECTION 5. (a) This Act takes effect September 1, 2003.

12           (b) The changes in law made by this Act by the amendment of  
13 Sections 408.0041, 408.143, 408.151, and 413.014, Labor Code, apply  
14 only to a claim for workers' compensation benefits based on a  
15 compensable injury that occurs on or after the effective date of  
16 this Act. A claim based on a compensable injury that occurs before  
17 the effective date of this Act is governed by the law in effect on  
18 the date the compensable injury occurred, and the former law is  
19 continued in effect for that purpose.